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A I wouldn't say that, but no great disturbance of conditions.

(By Senator Simpson.) This woman said, after she tied her mule up there she stumbled over a stump. Did you find any stump there?

A Yes; directly back of the cedar saplings.

J A M E S F. M A S O N duly sworn for

DIRECT EXAMINATION BY MR. SIMPSON:

Q What is your profession?

A County Detective of Sussex County.

Q How long have you been there?

A Twenty years.

Q Are you in the Prosecutor's office? A. I am, sir.

Q And when Mr. Mott took hold of this case you came out to do some investigating, didn't you?

A Yes.

Q Did you ever have the shirt and the cuff buttons?

A Did I have them in my possession? A. No, sir.

Q Have you ever seen them? A. Yes.

Q Those cuff buttons in the shirt you saw?

A No, sir.

Q Well, did you see the shirt?

A In the Prosecutor's office of Middlesex County.

Q Mr. Stricker's office? A. Mr. Stricker's office.

When

Q ^You were brought out here to the scene of the killing.

A I did, sir.

Q Did you go to the cedar saplings which have been identified on this map, and which are marked, you had better look at the map probably. Here is the two cedar saplings. There is a stump on the map down here we come to the scene where the bodies were, the other side of Derussey's Lane. Did you go, after you were brought into the case, to those cedar saplings?

A I did.

Q And what did you observe, if anything, about mule tracks there? A. Well, I seen foot prints of either a horse or a mule there in the ground.

Q Shod or unshod? A. Unshod.

Q Was it as large as a horse, or like a mule print?

A It was smaller than a horse.

Q Was there anything else you observed that would indicate that an animal had been tied to those cedar saplings?

A Yes, there were two piles, not two piles, two spots of dry manure.

Q Was there anything eaten off the saplings that looked as though an animal had been browsing there?

A Nothing eaten, but a small branch broke off one of the saplings.

Q Was anybody present at the time you examined besides your

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self? A. Myself and Mr. Schwartz.

Q Did you have the Gibson woman out there?

A Not at that time. I had talked to the Gibson woman before that.

Q How did you come to go to these cedar saplings by reason of something she told you?

A As a result of a conversation I had with Mrs. Gibson.

Q What about photographs, were photographs taken of this condition? A. There was a survey taken of the whole premises there, and photographs were made, that is, I cannot say they were made, they were taken. Whether they were ever developed or not I don't know.

Q Were they taken for the purpose of showing what you had seen? A. Yes.

Q Do you know whether those photographs were ever developed?

A I don't think they were, sir.

Q Do you know who took them?

A Mr. Day of Police Headquarters.

Q He is still in Newark---

A He is here this afternoon.

Q But you never saw the photographs?

A They were never delivered to me.

Q How long did you work on the case?

A Thirty one days.

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CROSS EXAMINATION BY MR. PFEIFFER:

Q Mr. Mason, are you able to tell us why the photographs were never developed?

A Only from hearsay, Mr. Pfeiffer.

MR. SIMPSON: I object to hearsay.

Q The State did not consider them important?

A I beg your pardon?

Q Did the State think they were important?

MR. SIMPSON: I object. Are we bound by what the State thought important in this inquiry?

MR. PFEIFFER: I will withdraw it, Senator it is objectionable.

Q Mr. Mason, did you testify before the Grand Jury?

A I did not, sir.

Q Did Mr. Schwartz? A. No, sir.

Q And so far as you know no photographs of which you speak were ever developed?

A Not that I know of.

Q Not yet? A. Not that I know of.

Q And I understood you went out with the previous witness, Mr. Schwartz, and made these observations the same time he made his? A. I went out for the purpose of directing what I wanted done out there and no concern with Mr. Schwartz.

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on the case 31 days, information that he has obtained from the most important witness in this case.

The senator was insistent upon ~~the many statements~~

obtaining statements ~~from the Detective~~ made by

Detective David and Detective Collins and to be
were

sure we protested, but they/allowed in. Here is

something that may be material, I don't know whether

it will or not, but I think we ought to have the

right certainly, at least the opportunity to find

out what the State's principal witness said to

this officer who worked on this case, as he said,

31 days.

THE COURT: It may be of considerable importance to the defense. It is not proper cross examination at this time and ~~it~~ under objection, of course, not revelant. It may be as a matter of fact it is not important. It may be possible to refute the testimony of the other witness, but it is not possible at this time, because it is not competent. It is not cross examination, Mr. Pfeiffer.

MR. PFEIFFER: I treat your honor's ruling as correct. However, your honor has ruled very frequently in ~~this case~~ the course of this hearing - you have given us wide latitude, we have asked questions on both sides which were not competent,

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but they did bear upon this case. I think there may be information to be obtained from this witness which would be of great help to your honor in making up your mind at the end of this inquiry as to what action you should take.

THE COURT: I agree with you, I have allowed great latitude, however, those questions in most cases were not objected to. When a legal principal is announced and a legal objection is made, I have got to rule according to my conception, according to what the rules of evidence may be applicable to that question. I have come to that conclusion, that this question over an objection is not admissible.

MR. PFEIFFER: Will your honor rule on this question.

Q ~~THE~~ Mr. Mason, in any of your conversation with Mrs. Gibson did she identify ~~him~~ or fail to identify Mr. Harry carpender as one of the persons whom she said she saw at the scene of the Murder on Sept. 14th, will you stand up, Mr. Carpenter.

Mr. Simpson: I object for the same reason. If I am characterize it without being insulting to the other side, it is ridiculous. I simply put this man on for the purpose of certain physical things.

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Q On the same day? A. On the same day.

Q When had you previously been there with Mrs. Jane Gibson?

A I was not there with Mrs. Jane Gibson, Mr. Pfeiffer. As a result of a conversation I had previously with her, I went there to verify things she told me.

Q Where was the conversation you had with Mrs. Gibson before this? A. At her home.

Q Did you have one or several with her?

A Oh, I had several with her.

Q You saw her several times. A. Yes, sir, many times.

Q You have one or several with her?

A Oh, I had several with her.

Q You saw her several times? ~~xxxxxx saw her xxx several times.~~

A Yes sir, many times.

Q ~~She~~ And did hse relate to you - her account of her wanderings of the night of Sept. 14?

A She did sir.

Q And you have heard it several times?

A Yes sir.

Q Did she tell you ~~whether~~ whom she saw on the night of Sept. 14th when she was in the lane?

MR. SIMPSON: I object, I submit that is not proper crossexamination. I have not put him on there have not allowed him to say a single thing Mrs. Gibosn told him. All I have put him on for is to say that as a result of something she said he went to these trees and found these facts. It certainly is not cross examination to ask him what she told him. It would be purely hearsay. In the second place, if he says she did tell him she saw certain people I am not bound by that. I submit it is not proper cross examination to try to get in it in/directly, what he cannot do directly.

MR. PFEIFFER: It impresses me of extreme importance if we are seeking the truth, as indeed we are, that we obtain from this witness, who worked

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All this opera bouffe about whether Mrs. Gibson identified him or not is of no consequence. She did positively identify him here before your honor.

MR. PFEIFFER: I object to the statements made by the senator.

MR. SIMPSON: Just give me a chance. All this opera Bouffe about asking him questions which have already been ruled upon by your honor as incompetent cannot be for the purpose of helping any sane legal inquiry, and I object to it.

MR. PFEIFFER: You understand I am not attempting to ~~evade~~ evade your ruling, it was the question reframed that I thought might appeal to your honor.

THE COURT: I understand your purpose. I think the same thing applies to the present question, the objection will be sustained.

MR. PFEIFFER: Do I understand that the Court's ruling is that in whatever form I attempt to make the proof the Court will rule it out? In other words, not only as to the form of the question, but as to the substance?

THE COURT: I would not want to go as far as that. I will have to rule upon the questions as asked and the ~~quest~~ objections as they appear.

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MR. PFEIFFER: May I ask this question, and please refrain from answering Mr. Mason.

Q In any of the conversations, Mr. Mason, that you had with Mrs. Gibson concerning her whereabouts, and what she saw on the night of Sept. 14th, 1922, did she identify or fail to identify as one of the persons she saw, Mr. Stevens?

MR. SIMPSON: I object to that and characterize it in the same way.

THE COURT: Objection sustained.

Q Mr. Mason can you locate on the map, -

MR. PFEIFFER: Is it put in evidence?

MR. SIMPSON: Why, we have been using it right along.

Q Where the stumps are that you speak of?

MR. SIMPSON: He says one stump.

Q One stump and a tree?

MR. SIMPSON: He spoke of a stump, two cedar saplings and a shrub. You say stumps, you may, of course, quite unintentionally mislead him.

Q Two cedar saplings and a stump?

A I think it is the place.

MR. SIMPSON: Pointing to that as Identified by the man who made the map as the two cedar

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saplings.

Q Will you look at that map and say whether it is substantially accurate as you recall the scene or whether it is not?

A It don't strike me that this is De Russey's lane going up here.

Q That is, the lane leading to the Philip's farm is not De Russey's lane?

MR. SIMPSON: Everybody knows that the map is incorrectly marked.

MR. PFEIFFER: You haven't changed the designation on the map itself.

MR. SIMPSON: I did not make the map, and I can't change the designation. If I rewrote the map you would not be able to read it.

Q Mr. Mason how did you happen to go to those cedar trees?

A As a result of a conversation I had with Mrs. Gibson.

Q And how did you happen to go to the Cedar Stump?

A As the same result, as a conversation I had with Mrs. Gibson.

Q Did you take any measurements while you were out there?

A Yes, personally.

Q Or ~~where~~ were they taken under your direction?

A ~~Oral~~ Oral, yes.

Q What measurements were taken?

A Why, we took measurements of the whole field, Philip's lane to the cedar tree, to the crab apple tree, or what was left of it, the hole in the ground.

Q Practically gone by that time, wasn't it?

A Just a hole in the ground. Took measurements from that to the two saplings and from that over to Mrs. Voorhees house to the lane, and from the lane, down to Easton Avenue down deRussey's lane.

Q Did you take the measurements of about 26 feet from the scene where the bodies lay, the measurement of about 26 feet, being from the crab apple tree to anyplace where Mrs. Gibson says she was?

A Yes sir, we took measurements from the crab apple tree to a division in two bushes, in which she said she looked through the bushes and seen something going on in the field there.

Q Do you remember how much, or how far that was from the crab apple tree?

A The actual distance?

Q Yes? A I can't recall it, Mr. Pfeiffer at this time, no sir.

Q Did you see any horses hoofs or mules feet around in there? A Why there was ~~not~~ an impression, of I

it was
would not say/a horses hoof, I would not want to
say what it was in fact. The whole place had
been pretty well trampled.

Q There had been thousands of motor cars and everything
else around there, hadn't there?

A Yes sir.

Q Did you as a result of anything Mrs. Gibson told
you stand in a particular position or have someone
else stand in a particular position with respect to
the crab apple tree where the bodies were found?

A Yes sir.

Q Did you attempt to re enact the scene as ~~xxxx~~ told
to you by Mrs. Bison?

MR. SIMPSON: I object~~xxx~~ to that, what has
that got to do with what I have proved.

MR. MC CARTER: He did not finish the question

MR. SIMPSON: Wait a moment, one at a time.

MR. PFEIFFER: Senator, don't get angry?

MR. SIMPSON: I am not angry, I am entirely
entertained by you gentlemen. I have asked this
man about these mule tracks the purpose being to
corroborate Mrs. Gibson. What he did at the scene
of the killing I have not asked him about.

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I don't know whether he was there or whether he was not. This is an attempt, of course quite apparently, and not at all subtly covered, to attack the testimony of Mrs. Gibson and do it in a very incompetent way, by asking him on cross examination what information she gave, whether he was able to prove it or whether he wasn't. It seems to me, if I may say so without offense, that the counsel misapprehends the purpose of this inquiry.

COURT: I understand that, Senator. If you make an objection to the testimony I will rule upon it.

MR. SIMPSON: I do object.

THE COURT: Objection sustained.

MR. PFEIFFER: Why does the Senator object to this latitude? He has allowed it many times.

MR. SIMPSON: The comment is ridiculous. I am not on trial. They may ~~find~~ find out at the proper time.

THE COURT: I don't know why he does or does not.

MR. PFEIFFER: One more question, Judge.

Q Mr. Mason, you were at the scene with Mr. Schwartz, and you made these observations prior to the case being heard by the Grand Jury four years ago, did you not?